



make no ruling with regard to that portion of the instant Motion. The undersigned will address the instant Motion solely as it seeks leave to file a supplemental brief in support of Plaintiff's Motion to File Amended and Supplemental Complaint (Docket No. 104).

On April 20, 2012, Plaintiff filed its "Motion to File Amended and Supplemental Complaint." Docket No. 104. With the Motion, Plaintiff submitted a supporting Memorandum of Law (Docket No. 105) and a proposed "First Amended and Supplemental Complaint for Declaratory Judgment and for Damages" (Docket No. 104-1). Four Defendants, or sets of Defendants, filed Responses in opposition to that Motion. Docket Nos. 112, 113, 114, 115. On May 11, 2012, Plaintiff filed a Reply to Defendants' Responses. Docket No. 122.

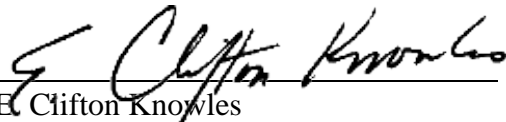
The instant Motion for Leave to File a Supplemental Brief was filed January 18, 2013, more than 8 months after the above briefing was complete. The proposed supplemental brief consists essentially of opinions provided by Plaintiff's expert witness as to the meaning and intent of relevant provisions of insurance policies. Apparently the only reason the proposed expert opinion was not provided earlier is that Plaintiff has just retained the expert.

Defendants argue that Plaintiff has improperly proffered a retained "expert" to opine on the interpretation of unambiguous contractual provisions. Some of these provisions were construed by Judge Nixon in his earlier Order granting a Motion for Summary Judgment filed by two Defendants (Docket No. 88). Perhaps not surprisingly, Plaintiff's proposed expert disagrees with Judge Nixon's interpretation of some of the policy provisions. Defendants argue that a such opinions are inadmissible, invade the province of the Court on a matter of law, and are contrary to Tennessee law.

The Court is in agreement with Defendants' arguments. Therefore, the instant "Motion

for Leave to File Supplemental Brief in Support of its . . . Motion to File Amended and Supplemental Complaint” (Docket No. 146) is DENIED.

IT IS SO ORDERED.

  
E. Clifton Knowles  
United States Magistrate Judge